

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Case No. 2:19-cv-01606-JAD-DJA

Order Denying Motions as Premature

[ECF Nos. 25, 26, 28, 29, 30, 31]

Defendants

Rafael Danam sues Elaine Kelley, the principal of his former employer, the Somerset Academy Aliante Charter School, asserting constitutional and employment-related claims. Because Danam was granted *in forma pauperis* status, the court screened his complaint; upon doing so, it dismissed that complaint with a detailed explanation of its deficiencies and gave Danam leave to amend—twice.¹ Danam has filed his second amended complaint,² but the court has not yet screened it to determine whether it states a colorable claim for relief that Danam may pursue and seek relief on. Unless and until the court finds upon screening of that second amended complaint that this action may move forward, Danam’s requests for summary judgment, judicial notice, and other affirmative relief or remedies are procedurally premature and the defendant has no obligation to respond to them. So the court denies all of Danam’s pending motions as premature and cautions Danam that **unless and until this court has issued an order screening his second amended complaint and permitting this case to move forward, his motions will continue to be denied as premature.** Because this court has a large caseload and many other matters await screening before this one, **Danam is further advised that it may take**

² ECF No. 24.

1 many months before the order screening his second amended complaint is issued in this
2 case.

3 IT IS THEREFORE ORDERED that the following motions [ECF Nos. 25 26, 28, 29, 30,
4 31] are **DENIED** as premature because there is yet no operative complaint:

- 5 • Plaintiff's Motion for Judicial Notice [ECF No. 25];
- 6 • Plaintiff's Motion for Summary Judgment Failure of Defendant to Pay Last Day
7 of Wages from Wrongful Termination/Breach of Contract [ECF No. 26];
- 8 • Plaintiff's Motion for Reconsideration of Judicial Orders and Notice for Judicial
9 Recusal Consideration [ECF No. 28];
- 10 • Plaintiff's Motion of Judicial Notice to Defendant's Convicting Statement on
11 Record from Motion to Dismiss [ECF No. 29];
- 12 • Plaintiff's Motion to Strike Claimant Cause of Claim from Record and Validate
13 Cause of Claim against Defendant [ECF No. 30]; and
- 14 • Plaintiff's Motion for Defendant to Confess to Claim and Remit Compensatory
15 Relief Prior to Judicial Judgment [ECF No. 31].

16 Dated: March 4, 2020

17 
18 U.S. District Judge Jennifer A. Dorsey
19
20
21
22
23